### PATENT COOPERATION TREATY

### **PCT**

REC'D 13 OCT 2005

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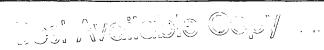
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#### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 20040053	FOR FURTHER ACT	ION s	See Form PCT/IPEA/416		
International application No. PCT/ES2004/000140	International filing date (da 29.03.2004	y/month/year)	Priority date (day/month/year) 01.07.2003		
International Patent Classification (IPC) or na C12N5/00	ational classification and IPC				
•					
Applicant ADVANCED IN VITRO CELL TECHNOLOGIES S.L. et al.					
<ol> <li>This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</li> </ol>					
2. This REPORT consists of a total of 4 sheets, including this cover sheet.					
3. This report is also accompanied by ANNEXES, comprising:					
a. $\square$ sent to the applicant and to the International Bureau) a total of sheets, as follows:					
sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).					
sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.					
b.   (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).					
This report contains indications report contains report c	elating to the following ite	ms:			
☐ Box No. I Basis of the op	Inion				
☐ Box No. II Priority					
☐ Box No. III Non-establishment of opinion with regard to novelty,			step and industrial applicability		
☐ Box No. IV Lack of unity o	•	<b>,.</b>			
Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
☐ Box No. VI Certain docum	ents cited				
☐ Box No. VII Certain defects	☐ Box No. VII Certain defects in the international application				
☐ Box No. VIII Certain observ	☐ Box No. VIII Certain observations on the international application				
Date of submission of the demand		Date of completion of th	nis report		
04.00.0005					
01.02.2005		12.10.2005			
Name and mailing address of the international preliminary examining authority:		Authorized Officer			
European Patent Office					
D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d		Scheffzyk, I			
Fax: +49 89 2399 - 4465	•	Telephone No. +49 89	2399-8602		



# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/ES2004/000140

_	Box	No. I Basis of the report
1.	With filec	n regard to the <b>language</b> , this report is based on the international application in the language in which it was I, unless otherwise indicated under this item.
		This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:  ☐ international search (under Rules 12.3 and 23.1(b)) ☐ publication of the international application (under Rule 12.4) ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2.	nav	n regard to the <b>elements*</b> of the international application, this report is based on <i>(replacement sheets which</i> The been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this Tort as "originally filed" and are not annexed to this report):
	Des	cription, Pages
1-17		as originally filed
	Clai	ms, Numbers
	1-13	as originally filed
	Dra	wings, Sheets
٠.	1/1	as originally filed
	□.	a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3.		The amendments have resulted in the cancellation of:  ☐ the description, pages ☐ the claims, Nos. ☐ the drawings, sheets/figs ☐ the sequence listing (specify): ☐ any table(s) related to sequence listing (specify):
4.	□ had Su	This report has been established as if (some of) the amendments annexed to this report and listed below not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the oplemental Box (Rule 70.2(c)).  the description, pages the claims, Nos. the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify):
	*	If item 4 applies, some or all of these sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/ES2004/000140

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

1-13

No: Claims

No:

Inventive step (IS)

Yes: Claims

1-13

Industrial applicability (IA)

Yes: Claims

Claims

1-13

No: Claims

2. Citations and explanations (Rule 70.7):

see separate sheet

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (SEPARATE SHEET)

International application No.

PCT/ES2004/000140

SECTION V-----

Presently claimed subject-matter seeems to be novel since the combination of the features recited in the claims is not taught in the available documents.

However, for the time being no feature can be recognized which would be suitable to establish the presence of an inventive step over hitherto methods for storing and transporting cultured tissues (see e.g. EP-A-0 702 081 (1)) since all parameters indicated in the claims merely appear to be obvious alternatives to a person skilled in the art which arise out from the knowlegde of the prior art. Relating to this it is noted that sponges with at least one different physical or chemical property also can be considered as asymmetric support.